IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 32839 of 2007(H)

PETITIONER:

RAJADHANI HOTELS PVT.LTD.,
MANAGING DIRECTOR, EAST FORT,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.ANANDAKUTTAN
SMT. M.HEMALATHA
SRI.R.S.MADHU
SRI.MAHESH ANANDAKUTTAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE, VANCHIYOOR, THIRUVANANTHAPURAM.

2. THE SPECIAL TAHSILDAR, L.A.(N.H), THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2007 ALONG WITH WPC NO. 32876 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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W.P(C) NO. 32839 OF 2007
AND
W.P(C) NO. 32876 OF 2007

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Dated this the 23rd day of November, 2007

J U D G M E N T

The grievance of the petitioner in these Writ Petitions is that in spite of Exhibit P3 representation, the Land Acquisition Officer is not referring the case to the competent Sub Court for considering the claim for enhanced compensation. Land acquisition proceedings were initiated in the year 1997. Awards were passed on 8.1.1998. Since there was dispute regarding the title of the property acquired, matter was referred and the Sub Court registered two land acquisition references, namely L.A.R. Nos.101 and 102 of 2004. Those references were answered on 27.6.2006. Petitioner filed petition under Section 18 of the Land Acquisition Act before the District Collector on 14.8.2006 contending that their claim for enhancement was not considered and the same may also be referred.

2. As I have already stated in these cases awards were

passed long back. Petitioner has no case that no notice was issued to it under Section 12(2) of the Act. Further, the matter was referred to the Sub Court under Section 31(2) of the Act and the same was answered on 27.6.2006. Exhibit P3 representation was filed only on 14.8.2006, after the expiry of the statutory period. There is absolutely nothing on record to show that the petitioner filed any petition under Section 18 within the time allowed by law. So, these Writ Petitions are only to be dismissed without prejudice to the rights of the petitioner to raise a claim under Section 28A of the Act, in case the same applies to the facts of these cases.

Writ Petitions are dismissed with the above observation.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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W.P(C) NO.32839 OF 2007
AND
W.P(C) NO.32876 OF 2007

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J U D G M E N T

21ST NOVEMBER, 2007